

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board
The Chancery
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AGENDA PUBLIC BOARD MEETING June 17, 2003

A public meeting of the State Personnel Board will be held on Tuesday, June 17, 2003, at the Colorado Department of Transportation, 4201 East Arkansas Avenue, Second Floor Auditorium, Denver, Colorado 80222. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-894-2136 by June 12, 2003.

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I. REQUESTS FOR RESIDENCY WAIVERS

A. June 1, 2003 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

A. Michael Fowler v. Trustees of the State Colleges in Colorado, Western State College, State Personnel Board case number 2002B144.

On January 14, 2003, the Initial Decision of the Administrative Law Judge was issued. Respondent filed an Opening Brief on April 21, 2003. Complainant's Answer Brief was filed on May 12, 2003. Respondent's Reply Brief was filed on May 22, 2003.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

- A. James Aragon v. Department of Corrections, State Personnel Board case number 2001G096.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review the adverse grievance decision. On May 21, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be granted.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Kevin Harvey v. Department of Human Services, Mount View Youth Services Center, State Personnel Board case number 2002G129.

On May 21, 2003, the Initial Decision and Order Denying Respondent's Request for Attorney Fees was issued. The ALJ denied Respondent's Request for Attorney Fees.

- B. Cheri Mihelich v. Department of Corrections, Fremont Correctional Facility, State Personnel Board case number 2003B052.

On May 27, 2003, the Order re: Respondent's Motion for Summary Judgment; Initial Decision and Notice of Appeal Rights of the Administrative Law Judge was issued. The ALJ found that Respondent's decision to terminate Complainant's employment was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed, Respondent's Motion for Summary Judgment is granted, and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE MAY 20, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS May 20, 2003 PUBLIC MEETING:

- A. Department of Corrections Retention Area Request

The Board voted to deny the request of the Department of Corrections to limit the retention rights of certified employees who have been separated from state service to major regions within the Department.

- B. Kerbin G. Sharp v. Department of Transportation, State Personnel Board case number 2001B074.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge on Remand and to adopt the Initial Decision.

- C. Mike Saucedo v. Department of Revenue, Colorado Lottery, State Personnel Board case number 2003G084.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- D. Susan Porto v. Department of Human Services, Division of Rehabilitation, State Personnel Board case number 2003G106.

The Board voted to adopt the Preliminary Recommendation of the Director and deny the petition for hearing.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Memorandum from Director to Board Members re Retention Area Limitation Requests; Technical Assistance - Retention Area Requests
- Statistical data for Fiscal Year 2003
- Order in Ferrel v. Department of Corrections, State Personnel Board Case No. 2000B092, District Court No. 03CV33
- Order Affirmed in Newkirk v. Department of Corrections, State Personnel Board Case No. 2000B065, Court of Appeals No. 02CA1324
- Order Affirmed in Hay v. Department of Corrections, State Personnel Board Case No. 2002G036, Court of Appeals No. 02CA1113

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

- A. Case Status Report**
- B. Minutes of the May 2003 Executive Session**

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NEXT REGULARLY SCHEDULED BOARD MEETINGS

9:00 a.m.

| <u>Date</u> | <u>Location</u> |
|--------------------|---|
| July 15, 2003 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| August 19, 2003 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| September 16, 2003 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| October 21, 2003 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| November 18, 2003 | Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 |
| December 16, 2003 | Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 |
| January 20, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| February 17, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| March 16, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| April 20, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| May 18, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |
| June 15, 2004 | Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222 |